

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

LIV TRANSPORTATION, INC., an Illinois Corporation,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 1:23-cv-00899-PLM-SJB
	)	
Robert Stone and STI Freight Management Inc.,	)	
a Michigan corporation,	)	
	)	
Defendants.	)	

**PLAINTIFF’S MOTION FOR VOLUNTARY DISMISSAL,  
PURSUANT TO FED. R. CIV. P. 41(b)**

Plaintiff, LIV Transportation, Inc. (“LIV”), by and through its attorneys, for its Motion for Voluntary Dismissal, without prejudice, pursuant to Fed. R. Civ. P. 41(a)(2) states as follows:

1. On August 25, 2023, Plaintiff filed its two-count Complaint against Defendants, charging them with violations of the Michigan Consumer Protection Act. [Dkt. No. 1].
2. On November 27, 2023, Defendants filed an Answer with Affirmative Defenses to the Complaint. [Dkt. No. 9].
3. Thereafter, Plaintiff attempted to resolve the case with Defendants, requesting that Defendants simply remove the offending post from the Freightguard platform. Defendants refused to remove the offending post and demanded thousands of dollars from Plaintiff.
4. On September 25, 2024, the matter was unsuccessfully mediated.
5. On October 4, 2024, Defendants filed a Motion to Dismiss, pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 56. [Dkt. No. 25]
6. Plaintiff now moves to voluntarily dismiss this matter.

7. Dismissal of this matter will alleviate fully briefing Defendants' Motion to Dismiss and preserve judicial resources.

8. As Defendants' actions purposefully thwarted settlement and unreasonably prolonged this case, Plaintiff requests that Defendants be ordered to bear their own costs.

**WHEREFORE**, Plaintiff, LIV Transportation, Inc., prays that this Honorable Court enter granting Plaintiff's Motion for Voluntary Dismissal, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(2), without costs, and granting any other relief that this Court deems just and fit.

Respectfully submitted,

LIV Transportation, Inc.

By: /s/ Jacqueline M. Satherlie  
One of Its Attorneys

Elliot S. Wiczer (IL ARDC #6208432)  
*Admission to Western District*  
*ewiczer@wsjlawfirm.com*  
Jaqueline M. Satherlie (IL ARDC #6203399)  
*Admission to Western District*  
*jsatherlie@wsjlawfirm.com*  
WICZER SHELDON & JACOBS, LLC  
500 Skokie Boulevard, Suite 325  
Northbrook, IL 60062  
847-849-4850